

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 451 - SB 443

March 10, 2015

SUMMARY OF BILL: Increases the fines for texting while driving from a maximum fine of \$50.00 to a mandatory fine of \$250.

Increases fines on individuals who fail to use a seat belt from a Class C misdemeanor to a Class C misdemeanor subject only to a fine of \$250. For persons electing to pay fine in lieu of court, the fine is increased from \$10 to \$50 for first offenses, and from \$20 to \$100 for second and subsequent violations, with all additional revenue being earmarked for use by the Division of Vocational Rehabilitation.

For persons age 16 and 17 that elect to pay fines in lieu of court, the fine is increased from \$20 to \$100, with \$40 of the additional revenue being allocated to the General Fund and \$40 being earmarked for use by the Division of Vocational Rehabilitation, when such fine is applicable to a first offense; when the fine is applicable to second and subsequent offenses, all of the additional revenue shall be earmarked for use by the Division of Vocational Rehabilitation.

ESTIMATED FISCAL IMPACT:

**Increase State Revenue - \$453,400/General Fund
\$3,656,300/Division of Vocational Rehabilitation**

Increase Local Revenue - Exceeds \$226,300

Assumptions relative to texting while driving:

- The Department of Safety (DOS) reports 1,066 texting while driving citations in FY13-14 by the Tennessee Highway Patrol (THP). DOS reports 15 percent of all texting while driving violations will be dismissed.
- Local Court Clerks, pursuant to TCA 821-401(a)(6)(A)(i), retain five percent of all fine revenue as commission.
- The following is based on DOD's reported revenues for texting while driving violations:

	Number of Violations	85% of Violations Not Dismissed	Fine Increase	Proposed Revenue Increase
THP Texting Citations issued	1,066	906	\$200	\$181,220

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TOTALS	\$181,220
LOCAL COURT COMMISSION	\$9,061
STATE REVENUE	\$172,159

- At this time, local law enforcement agency texting violation data cannot be determined. Based on Tennessee Highway Patrol data, it is logically assumed local fine revenue derived from local-issued citations would increase by an amount exceeding \$10,000 annually.

Assumptions relative to seat belt violations:

- The Department of Safety (DOS) reports a state wide total of 87,075 seat belt violations in FY13-14. DOS reports 15 percent of all seat belt violations will be dismissed.
- Local Court Clerks, pursuant to TCA 821-401(a)(6)(A)(i), retain five percent of all fine revenue as commission.
- The following is based on DOS's reported revenue for seat belt violations:

SEAT BELT CITATIONS VIOLATION TYPE	NUMBER OF VIOLATIONS	85% OF VIOLATIONS THAT ARE NOT DISMISSED	FINE INCREASE	REVENUE INCREASE	GENERAL FUND	DIVISION OF VOC REHAB
FIRST TIME OFFENSE (18 and over)	52,245	44,408	\$40	\$1,776,330	\$0	\$1,776,330
REPEAT OFFENSES (18 and over)	21,769	18,504	\$80	\$1,480,292	\$0	\$1,480,292
16 & 17 YEAR OLDS FIRST OFFENSE	8,707	7,401	\$80	\$592,076	\$296,040	\$296,040
16 & 17 YEAR OLDS REPEAT OFFENSES	4,354	3,701	\$80	\$296,072	\$0	\$296,080
TOTALS	87,075			\$4,144,770	\$296,040	\$3,848,742
LOCAL COURT COMMISSION (5%)				\$207,239	\$14,802	\$192,437
STATE REVENUE				\$3,937,532	\$281,238	\$3,656,305

Assumptions relative to bill:

- The total recurring increase in state revenue to the General Fund to be used for general purposes is estimated to be \$453,397 (\$172,159 texting fees + \$281,238 seat belt violations).
- The recurring increase in state revenue earmarked for use by the Division of Vocational Rehabilitation is estimated to be \$3,656,305.

- The total recurring increase in local revenue is estimated to exceed \$226,300 (\$9,061 texting revenue commission + \$207,239 seat belt revenue commission + minimum \$10,000 local-issued citation fines).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, appearing to read "Jeffrey L. Spalding". The signature is fluid and cursive, with the first name "Jeffrey" and last name "Spalding" clearly distinguishable.

Jeffrey L. Spalding, Executive Director

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